

1                   A bill to be entitled  
2           An act relating to dispute resolution; amending s.  
3           682.01, F.S.; revising the short title of the "Florida  
4           Arbitration Code" to the "Revised Florida Arbitration  
5           Code"; creating s. 682.011, F.S.; providing  
6           definitions; creating s. 682.012, F.S.; specifying how  
7           a person gives notice to another person and how a  
8           person receives notice; creating s. 682.013, F.S.;  
9           specifying the applicability of the revised code;  
10          creating s. 682.014, F.S.; providing that an agreement  
11          may waive or vary the effect of statutory arbitration  
12          provisions; providing exceptions; creating s. 682.015,  
13          F.S.; providing for petitions for judicial relief;  
14          providing for service of notice of an initial petition  
15          for such relief; amending s. 682.02, F.S.; revising  
16          provisions relating to the making of arbitration  
17          agreements; requiring a court to decide whether an  
18          agreement to arbitrate exists or a controversy is  
19          subject to an agreement to arbitrate; providing for  
20          determination of specified issues by an arbitrator;  
21          providing for continuation of an arbitration  
22          proceeding pending resolution of certain issues by a  
23          court; revising provisions relating to applicability  
24          of provisions to certain interlocal agreements;  
25          amending s. 682.03, F.S.; revising provisions relating  
26          to proceedings to compel and to stay arbitration;  
27          creating s. 682.031, F.S.; providing for a court to  
28          order provisional remedies before an arbitrator is

29 | appointed and is authorized and able to act; providing  
 30 | for orders for provisional remedies by an arbitrator;  
 31 | providing that a party does not waive a right of  
 32 | arbitration by seeking provisional remedies in court;  
 33 | creating s. 682.032, F.S.; providing for initiation of  
 34 | arbitration; providing that a person waives any  
 35 | objection to lack of or insufficiency of notice by  
 36 | appearing at the arbitration hearing; providing an  
 37 | exception; creating s. 682.033, F.S.; providing for  
 38 | consolidation of separate arbitration proceedings as  
 39 | to all or some of the claims in certain circumstances;  
 40 | prohibiting consolidation if the agreement prohibits  
 41 | consolidation; amending s. 682.04, F.S.; revising  
 42 | provisions relating to appointment of an arbitrator;  
 43 | prohibiting an individual who has an interest in the  
 44 | outcome of an arbitration from serving as a neutral  
 45 | arbitrator; creating s. 682.041, F.S.; requiring  
 46 | certain disclosures of interests and relationships by  
 47 | a person before accepting appointment as an  
 48 | arbitrator; providing a continuing obligation to make  
 49 | such disclosures; providing for objections to an  
 50 | arbitrator based on information disclosed; providing  
 51 | for vacation of an award if an arbitrator failed to  
 52 | disclose a fact as required; providing that an  
 53 | arbitrator appointed as a neutral arbitrator who does  
 54 | not disclose certain interests or relationships is  
 55 | presumed to act with partiality for specified  
 56 | purposes; requiring parties to substantially comply

57 | with agreed-to procedures of an arbitration  
 58 | organization or any other procedures for challenges to  
 59 | arbitrators before an award is made in order to seek  
 60 | vacation of an award on specified grounds; amending s.  
 61 | 682.05, F.S.; requiring that if there is more than one  
 62 | arbitrator, the powers of an arbitrator must be  
 63 | exercised by a majority of the arbitrators; requiring  
 64 | all arbitrators to conduct the arbitration hearing;  
 65 | creating s. 682.051, F.S.; providing immunity from  
 66 | civil liability for an arbitrator or an arbitration  
 67 | organization acting in that capacity; providing that  
 68 | this immunity is supplemental to any immunity under  
 69 | other law; providing that failure to make a required  
 70 | disclosure does not remove immunity; providing that an  
 71 | arbitrator or representative of an arbitration  
 72 | organization is not competent to testify and may not  
 73 | be required to produce records concerning the  
 74 | arbitration; providing exceptions; providing for  
 75 | awarding an arbitrator, arbitration organization, or  
 76 | representative of an arbitration organization with  
 77 | reasonable attorney fees and expenses of litigation  
 78 | under certain circumstances; amending s. 682.06, F.S.;  
 79 | revising provisions relating to the conduct of  
 80 | arbitration hearings; providing for summary  
 81 | disposition, notice of hearings, adjournment, and  
 82 | rights of a party to the arbitration proceeding;  
 83 | requiring appointment of a replacement arbitrator in  
 84 | certain circumstances; amending s. 682.07, F.S.;

85 providing that a party to an arbitration proceeding  
86 may be represented by an attorney; amending s. 682.08,  
87 F.S.; revising provisions relating to the issuance,  
88 service, and enforcement of subpoenas; revising  
89 provisions relating to depositions; authorizing an  
90 arbitrator to permit discovery in certain  
91 circumstances; authorizing an arbitrator to order  
92 compliance with discovery; authorizing protective  
93 orders by an arbitrator; providing for applicability  
94 of laws compelling a person under subpoena to testify  
95 and all fees for attending a judicial proceeding, a  
96 deposition, or a discovery proceeding as a witness;  
97 providing for court enforcement of a subpoena or  
98 discovery-related order; providing for witness fees;  
99 creating s. 682.081, F.S.; providing for judicial  
100 enforcement of a preaward ruling by an arbitrator in  
101 certain circumstances; providing exceptions; amending  
102 s. 682.09, F.S.; revising provisions relating to the  
103 record needed for an award; revising provisions  
104 relating to the time within which an award must be  
105 made; amending s. 682.10, F.S.; revising provisions  
106 relating to requirements for a motion to modify or  
107 correct an award; amending s. 682.11, F.S.; revising  
108 provisions relating to fees and expenses of  
109 arbitration; authorizing punitive damages and other  
110 exemplary relief and remedies; amending s. 682.12,  
111 F.S.; revising provisions relating to confirmation of  
112 an award; amending s. 682.13, F.S.; revising

113 provisions relating to grounds for vacating an award;  
114 revising provisions relating to a motion for vacating  
115 an award; providing for a rehearing in certain  
116 circumstances; amending s. 682.14, F.S.; revising  
117 provisions relating to the time for moving to modify  
118 or correct an award; deleting references to the term  
119 "umpire"; revising a provision concerning confirmation  
120 of awards; amending s. 682.15, F.S.; revising  
121 provisions relating to a court order confirming,  
122 vacating without directing a rehearing, modifying, or  
123 correcting an award; providing for award of costs and  
124 attorney fees in certain circumstances; repealing s.  
125 682.16, F.S., relating to judgment roll and docketing  
126 of certain orders; repealing s. 682.17, F.S., relating  
127 to application to court; repealing s. 682.18, F.S.,  
128 relating to the definition of the term "court" and  
129 jurisdiction; creating s. 682.181, F.S.; providing for  
130 jurisdiction relating to the revised code; amending s.  
131 682.19, F.S.; revising provisions relating to venue  
132 for actions relating to the code; amending s. 682.20,  
133 F.S.; providing that an appeal may be taken from an  
134 order denying confirmation of an award unless the  
135 court has entered an order under specified provisions;  
136 providing that all other orders denying confirmation  
137 of an award are final orders; repealing s. 682.21,  
138 F.S., relating to the previous code not applying  
139 retroactively; repealing s. 682.22, F.S., relating to  
140 conflict of laws; creating s. 682.23, F.S.; specifying

141 the relationship of the code to the Electronic  
 142 Signatures in Global and National Commerce Act;  
 143 providing for applicability; creating s. 682.25, F.S.;  
 144 providing that the revised code does not apply to any  
 145 dispute involving child custody, visitation, or child  
 146 support; amending ss. 440.1926, 489.1402, and 731.401,  
 147 F.S.; conforming cross-references; providing an  
 148 effective date.

149

150 Be It Enacted by the Legislature of the State of Florida:

151

152 Section 1. Section 682.01, Florida Statutes, is amended to  
 153 read:

154 682.01 Short title ~~Florida Arbitration Code.~~ This chapter  
 155 ~~Sections 682.01-682.22~~ may be cited as the "Revised Florida  
 156 Arbitration Code."

157 Section 2. Section 682.011, Florida Statutes, is created  
 158 to read:

159 682.011 Definitions.—As used in this chapter, the term:

160 (1) "Arbitration organization" means an association,  
 161 agency, board, commission, or other entity that is neutral and  
 162 initiates, sponsors, or administers an arbitration proceeding or  
 163 is involved in the appointment of an arbitrator.

164 (2) "Arbitrator" means an individual appointed to render  
 165 an award, alone or with others, in a controversy that is subject  
 166 to an agreement to arbitrate.

167 (3) "Court" means a court of competent jurisdiction in  
 168 this state.

169        (4) "Knowledge" means actual knowledge.

170        (5) "Person" means an individual, corporation, business  
 171 trust, estate, trust, partnership, limited liability company,  
 172 association, joint venture, or government; governmental  
 173 subdivision, agency, or instrumentality; public corporation; or  
 174 any other legal or commercial entity.

175        (6) "Record" means information that is inscribed on a  
 176 tangible medium or that is stored in an electronic or other  
 177 medium and is retrievable in perceivable form.

178        Section 3. Section 682.012, Florida Statutes, is created  
 179 to read:

180        682.012 Notice.—

181        (1) Except as otherwise provided in this chapter, a person  
 182 gives notice to another person by taking action that is  
 183 reasonably necessary to inform the other person in ordinary  
 184 course, whether or not the other person acquires knowledge of  
 185 the notice.

186        (2) A person has notice if the person has knowledge of the  
 187 notice or has received notice.

188        (3) A person receives notice when it comes to the person's  
 189 attention or the notice is delivered at the person's place of  
 190 residence or place of business, or at another location held out  
 191 by the person as a place of delivery of such communications.

192        Section 4. Section 682.013, Florida Statutes, is created  
 193 to read:

194        682.013 Applicability of revised code.—

195        (1) The Revised Florida Arbitration Code governs an  
 196 agreement to arbitrate made on or after July 1, 2013.

197           (2) Until June 30, 2016, the Revised Florida Arbitration  
 198 Code governs an agreement to arbitrate made before July 1, 2013,  
 199 if all the parties to the agreement or to the arbitration  
 200 proceeding so agree in a record. Otherwise, such agreements  
 201 shall be governed by the applicable law existing at the time the  
 202 parties entered into the agreement.

203           (3) The Revised Florida Arbitration Code does not affect an  
 204 action or proceeding commenced or right accrued before July 1,  
 205 2013.

206           (4) Beginning July 1, 2016, an agreement to arbitrate shall  
 207 be subject to the Revised Florida Arbitration Code.

208           Section 5. Section 682.014, Florida Statutes, is created  
 209 to read:

210           682.014 Effect of agreement to arbitrate; nonwaivable  
 211 provisions.—

212           (1) Except as otherwise provided in subsections (2) and  
 213 (3), a party to an agreement to arbitrate or to an arbitration  
 214 proceeding may waive, or the parties may vary the effect of, the  
 215 requirements of this chapter to the extent permitted by law.

216           (2) Before a controversy arises that is subject to an  
 217 agreement to arbitrate, a party to the agreement may not:

218           (a) Waive or agree to vary the effect of the requirements  
 219 of:

220           1. Commencing a petition for judicial relief under s.  
 221 682.015(1);

222           2. Making agreements to arbitrate valid, enforceable, and  
 223 irrevocable under s. 682.02(1);

224           3. Permitting provisional remedies under s. 682.031;

225 4. Conferring authority on arbitrators to issue subpoenas  
 226 and permit depositions under s. 682.08(1) or (2);

227 5. Conferring jurisdiction under s. 682.181; or

228 6. Stating the bases for appeal under s. 682.20;

229 (b) Agree to unreasonably restrict the right under s.  
 230 682.032 to notice of the initiation of an arbitration  
 231 proceeding;

232 (c) Agree to unreasonably restrict the right under s.  
 233 682.041 to disclosure of any facts by a neutral arbitrator; or

234 (d) Waive the right under s. 682.07 of a party to an  
 235 agreement to arbitrate to be represented by an attorney at any  
 236 proceeding or hearing under this chapter, but an employer and a  
 237 labor organization may waive the right to representation by an  
 238 attorney in a labor arbitration.

239 (3) A party to an agreement to arbitrate or arbitration  
 240 proceeding may not waive, or the parties may not vary the effect  
 241 of, the requirements in this section or:

242 (a) The applicability of this chapter, the Revised Florida  
 243 Arbitration Code, under s. 682.013(1) or (4);

244 (b) The availability of proceedings to compel or stay  
 245 arbitration under s. 682.03;

246 (c) The immunity conferred on arbitrators and arbitration  
 247 organizations under s. 682.051;

248 (d) A party's right to seek judicial enforcement of an  
 249 arbitration preaward ruling under s. 682.081;

250 (e) The authority conferred on an arbitrator to change an  
 251 award under s. 682.10(4) or (5);

252 (f) The remedies provided under s. 682.12;

253 (g) The grounds for vacating an arbitration award under s.  
 254 682.13;

255 (h) The grounds for modifying an arbitration award under  
 256 s. 682.14;

257 (i) The validity and enforceability of a judgment or  
 258 decree based on an award under s. 682.15(1) or (2);

259 (j) The validity of the Electronic Signatures in Global  
 260 and National Commerce Act under s. 682.23; or

261 (k) The effect of excluding from arbitration under this  
 262 chapter disputes involving child custody, visitation, or child  
 263 support under s. 682.25.

264 Section 6. Section 682.015, Florida Statutes, is created  
 265 to read:

266 682.015 Petition for judicial relief.—

267 (1) Except as otherwise provided in s. 682.20, a petition  
 268 for judicial relief under this chapter must be made to the court  
 269 and heard in the manner provided by law or rule of court for  
 270 making and hearing motions.

271 (2) Unless a civil action involving the agreement to  
 272 arbitrate is pending, notice of an initial petition to the court  
 273 under this chapter must be served in the manner provided by law  
 274 for the service of a summons in a civil action. Otherwise,  
 275 notice of the motion must be given in the manner provided by law  
 276 or rule of court for serving motions in pending cases.

277 Section 7. Section 682.02, Florida Statutes, is amended to  
 278 read:

279 682.02 Arbitration agreements made valid, irrevocable, and  
 280 enforceable; scope.—

281       (1) An agreement contained in a record to submit to  
 282 arbitration any existing or subsequent controversy arising  
 283 between the parties to the agreement is valid, enforceable, and  
 284 irrevocable except upon a ground that exists at law or in equity  
 285 for the revocation of a contract.

286       (2) The court shall decide whether an agreement to  
 287 arbitrate exists or a controversy is subject to an agreement to  
 288 arbitrate.

289       (3) An arbitrator shall decide whether a condition  
 290 precedent to arbitrability has been fulfilled and whether a  
 291 contract containing a valid agreement to arbitrate is  
 292 enforceable.

293       (4) If a party to a judicial proceeding challenges the  
 294 existence of, or claims that a controversy is not subject to, an  
 295 agreement to arbitrate, the arbitration proceeding may continue  
 296 pending final resolution of the issue by the court, unless the  
 297 court otherwise orders.

298       ~~(5) Two or more parties may agree in writing to submit to~~  
 299 ~~arbitration any controversy existing between them at the time of~~  
 300 ~~the agreement, or they may include in a written contract a~~  
 301 ~~provision for the settlement by arbitration of any controversy~~  
 302 ~~thereafter arising between them relating to such contract or the~~  
 303 ~~failure or refusal to perform the whole or any part thereof.~~

304 This section also applies to written interlocal agreements under  
 305 ss. 163.01 and 373.713 in which two or more parties agree to  
 306 submit to arbitration any controversy between them concerning  
 307 water use permit applications and other matters, regardless of  
 308 whether or not the water management district with jurisdiction

309 over the subject application is a party to the interlocal  
 310 agreement or a participant in the arbitration. ~~Such agreement or~~  
 311 ~~provision shall be valid, enforceable, and irrevocable without~~  
 312 ~~regard to the justiciable character of the controversy; provided~~  
 313 ~~that this act shall not apply to any such agreement or provision~~  
 314 ~~to arbitrate in which it is stipulated that this law shall not~~  
 315 ~~apply or to any arbitration or award thereunder.~~

316 Section 8. Section 682.03, Florida Statutes, is amended to  
 317 read:

318 682.03 Proceedings to compel and to stay arbitration.-

319 (1) On motion of a person showing an agreement to  
 320 arbitrate and alleging another person's refusal to arbitrate  
 321 pursuant to the agreement:

322 (a) If the refusing party does not appear or does not  
 323 oppose the motion, the court shall order the parties to  
 324 arbitrate.

325 (b) If the refusing party opposes the motion, the court  
 326 shall proceed summarily to decide the issue and order the  
 327 parties to arbitrate unless it finds that there is no  
 328 enforceable agreement to arbitrate. ~~A party to an agreement or~~  
 329 ~~provision for arbitration subject to this law claiming the~~  
 330 ~~neglect or refusal of another party thereto to comply therewith~~  
 331 ~~may make application to the court for an order directing the~~  
 332 ~~parties to proceed with arbitration in accordance with the terms~~  
 333 ~~thereof. If the court is satisfied that no substantial issue~~  
 334 ~~exists as to the making of the agreement or provision, it shall~~  
 335 ~~grant the application. If the court shall find that a~~  
 336 ~~substantial issue is raised as to the making of the agreement or~~

337 ~~provision, it shall summarily hear and determine the issue and,~~  
338 ~~according to its determination, shall grant or deny the~~  
339 ~~application.~~

340 (2) On motion of a person alleging that an arbitration  
341 proceeding has been initiated or threatened but that there is no  
342 agreement to arbitrate, the court shall proceed summarily to  
343 decide the issue. If the court finds that there is an  
344 enforceable agreement to arbitrate, it shall order the parties  
345 to arbitrate. ~~If an issue referable to arbitration under an~~  
346 ~~agreement or provision for arbitration subject to this law~~  
347 ~~becomes involved in an action or proceeding pending in a court~~  
348 ~~having jurisdiction to hear an application under subsection (1),~~  
349 ~~such application shall be made in said court. Otherwise and~~  
350 ~~subject to s. 682.19, such application may be made in any court~~  
351 ~~of competent jurisdiction.~~

352 (3) If the court finds that there is no enforceable  
353 agreement to arbitrate, it may not order the parties to  
354 arbitrate pursuant to subsection (1) or subsection (2). ~~Any~~  
355 ~~action or proceeding involving an issue subject to arbitration~~  
356 ~~under this law shall be stayed if an order for arbitration or an~~  
357 ~~application therefor has been made under this section or, if the~~  
358 ~~issue is severable, the stay may be with respect thereto only.~~  
359 ~~When the application is made in such action or proceeding, the~~  
360 ~~order for arbitration shall include such stay.~~

361 (4) The court may not refuse to order arbitration because  
362 the claim subject to arbitration lacks merit or grounds for the  
363 claim have not been established. ~~On application the court may~~  
364 ~~stay an arbitration proceeding commenced or about to be~~

365 ~~commenced, if it shall find that no agreement or provision for~~  
 366 ~~arbitration subject to this law exists between the party making~~  
 367 ~~the application and the party causing the arbitration to be had.~~  
 368 ~~The court shall summarily hear and determine the issue of the~~  
 369 ~~making of the agreement or provision and, according to its~~  
 370 ~~determination, shall grant or deny the application.~~

371 (5) If a proceeding involving a claim referable to  
 372 arbitration under an alleged agreement to arbitrate is pending  
 373 in court, a motion under this section must be made in that  
 374 court. Otherwise, a motion under this section may be made in any  
 375 court as provided in s. 682.19. An order for arbitration shall  
 376 ~~not be refused on the ground that the claim in issue lacks merit~~  
 377 ~~or bona fides or because any fault or grounds for the claim~~  
 378 ~~sought to be arbitrated have not been shown.~~

379 (6) If a party makes a motion to the court to order  
 380 arbitration, the court on just terms shall stay any judicial  
 381 proceeding that involves a claim alleged to be subject to the  
 382 arbitration until the court renders a final decision under this  
 383 section.

384 (7) If the court orders arbitration, the court on just  
 385 terms shall stay any judicial proceeding that involves a claim  
 386 subject to the arbitration. If a claim subject to the  
 387 arbitration is severable, the court may limit the stay to that  
 388 claim.

389 Section 9. Section 682.031, Florida Statutes, is created  
 390 to read:

391 682.031 Provisional remedies.—

392 (1) Before an arbitrator is appointed and is authorized

393 and able to act, the court, upon motion of a party to an  
 394 arbitration proceeding and for good cause shown, may enter an  
 395 order for provisional remedies to protect the effectiveness of  
 396 the arbitration proceeding to the same extent and under the same  
 397 conditions as if the controversy were the subject of a civil  
 398 action.

399 (2) After an arbitrator is appointed and is authorized and  
 400 able to act:

401 (a) The arbitrator may issue such orders for provisional  
 402 remedies, including interim awards, as the arbitrator finds  
 403 necessary to protect the effectiveness of the arbitration  
 404 proceeding and to promote the fair and expeditious resolution of  
 405 the controversy, to the same extent and under the same  
 406 conditions as if the controversy were the subject of a civil  
 407 action.

408 (b) A party to an arbitration proceeding may move the  
 409 court for a provisional remedy only if the matter is urgent and  
 410 the arbitrator is not able to act timely or the arbitrator  
 411 cannot provide an adequate remedy.

412 (3) A party does not waive a right of arbitration by  
 413 making a motion under this section.

414 (4) If an arbitrator awards a provisional remedy for  
 415 injunctive or equitable relief, the arbitrator shall state in  
 416 the award the factual findings and legal basis for the award.

417 (5) A party may seek to confirm or vacate a provisional  
 418 remedy award for injunctive or equitable relief under s.  
 419 682.081.

420 Section 10. Section 682.032, Florida Statutes, is created

421 to read:

422 682.032 Initiation of arbitration.—

423 (1) A person initiates an arbitration proceeding by giving  
 424 notice in a record to the other parties to the agreement to  
 425 arbitrate in the agreed manner between the parties or, in the  
 426 absence of agreement, by certified or registered mail, return  
 427 receipt requested and obtained, or by service as authorized for  
 428 the commencement of a civil action. The notice must describe the  
 429 nature of the controversy and the remedy sought.

430 (2) Unless a person objects for lack or insufficiency of  
 431 notice under s. 682.06(3) not later than the beginning of the  
 432 arbitration hearing, the person by appearing at the hearing  
 433 waives any objection to lack of or insufficiency of notice.

434 Section 11. Section 682.033, Florida Statutes, is created  
 435 to read:

436 682.033 Consolidation of separate arbitration  
 437 proceedings.—

438 (1) Except as otherwise provided in subsection (3), upon  
 439 motion of a party to an agreement to arbitrate or to an  
 440 arbitration proceeding, the court may order consolidation of  
 441 separate arbitration proceedings as to all or some of the claims  
 442 if:

443 (a) There are separate agreements to arbitrate or separate  
 444 arbitration proceedings between the same persons or one of them  
 445 is a party to a separate agreement to arbitrate or a separate  
 446 arbitration proceeding with a third person;

447 (b) The claims subject to the agreements to arbitrate  
 448 arise in substantial part from the same transaction or series of

449 related transactions;

450 (c) The existence of a common issue of law or fact creates  
 451 the possibility of conflicting decisions in the separate  
 452 arbitration proceedings; and

453 (d) Prejudice resulting from a failure to consolidate is  
 454 not outweighed by the risk of undue delay or prejudice to the  
 455 rights of or hardship to parties opposing consolidation.

456 (2) The court may order consolidation of separate  
 457 arbitration proceedings as to some claims and allow other claims  
 458 to be resolved in separate arbitration proceedings.

459 (3) The court may not order consolidation of the claims of  
 460 a party to an agreement to arbitrate if the agreement prohibits  
 461 consolidation.

462 Section 12. Section 682.04, Florida Statutes, is amended  
 463 to read:

464 682.04 Appointment of arbitrators by court.—

465 (1) If the parties to an agreement to arbitrate agree on  
 466 ~~or provision for arbitration subject to this law provides a~~  
 467 ~~method for appointing the appointment of arbitrators or an~~  
 468 ~~umpire,~~ this method must shall be followed, unless the method  
 469 fails.

470 (2) The court, on motion of a party to an arbitration  
 471 agreement, shall appoint one or more arbitrators, if:

472 (a) The parties have not agreed on a method;

473 (b) The agreed method fails;

474 (c) One or more of the parties failed to respond to the  
 475 demand for arbitration; or

476 (d) An arbitrator fails to act and a successor has not

477 been appointed.

478 ~~(3) In the absence thereof, or if the agreed method fails~~  
 479 ~~or for any reason cannot be followed, or if an arbitrator or~~  
 480 ~~umpire who has been appointed fails to act and his or her~~  
 481 ~~successor has not been duly appointed, the court, on application~~  
 482 ~~of a party to such agreement or provision shall appoint one or~~  
 483 ~~more arbitrators or an umpire. An arbitrator or umpire so~~  
 484 ~~appointed has all the shall have like powers of an arbitrator~~  
 485 ~~designated as if named or provided for in the agreement to~~  
 486 ~~arbitrate appointed pursuant to the agreed method or provision.~~

487 (4) An individual who has a known, direct, and material  
 488 interest in the outcome of the arbitration proceeding or a  
 489 known, existing, and substantial relationship with a party may  
 490 not serve as an arbitrator required by an agreement to be  
 491 neutral.

492 Section 13. Section 682.041, Florida Statutes, is created  
 493 to read:

494 682.041 Disclosure by arbitrator.—

495 (1) Before accepting appointment, an individual who is  
 496 requested to serve as an arbitrator, after making a reasonable  
 497 inquiry, shall disclose to all parties to the agreement to  
 498 arbitrate and arbitration proceeding and to any other  
 499 arbitrators any known facts that a reasonable person would  
 500 consider likely to affect the person's impartiality as an  
 501 arbitrator in the arbitration proceeding, including:

502 (a) A financial or personal interest in the outcome of the  
 503 arbitration proceeding.

504 (b) An existing or past relationship with any of the

505 parties to the agreement to arbitrate or the arbitration  
 506 proceeding, their counsel or representative, a witness, or  
 507 another arbitrator.

508 (2) An arbitrator has a continuing obligation to disclose  
 509 to all parties to the agreement to arbitrate and arbitration  
 510 proceeding and to any other arbitrators any facts that the  
 511 arbitrator learns after accepting appointment that a reasonable  
 512 person would consider likely to affect the impartiality of the  
 513 arbitrator.

514 (3) If an arbitrator discloses a fact required by  
 515 subsection (1) or subsection (2) to be disclosed and a party  
 516 timely objects to the appointment or continued service of the  
 517 arbitrator based upon the fact disclosed, the objection may be a  
 518 ground under s. 682.13(1)(b) for vacating an award made by the  
 519 arbitrator.

520 (4) If the arbitrator did not disclose a fact as required  
 521 by subsection (1) or subsection (2), upon timely objection by a  
 522 party, the court may vacate an award under s. 682.13(1)(b).

523 (5) An arbitrator appointed as a neutral arbitrator who  
 524 does not disclose a known, direct, and material interest in the  
 525 outcome of the arbitration proceeding or a known, existing, and  
 526 substantial relationship with a party is presumed to act with  
 527 evident partiality under s. 682.13(1)(b).

528 (6) If the parties to an arbitration proceeding agree to  
 529 the procedures of an arbitration organization or any other  
 530 procedures for challenges to arbitrators before an award is  
 531 made, substantial compliance with those procedures is a  
 532 condition precedent to a motion to vacate an award on that

533 ground under s. 682.13(1)(b).

534 Section 14. Section 682.05, Florida Statutes, is amended  
535 to read:

536 682.05 Majority action by arbitrators.—If there is more  
537 than one arbitrator, the powers of an arbitrator must be  
538 exercised by a majority of the arbitrators, but all of the  
539 arbitrators shall conduct the hearing under s. 682.06(3). The  
540 ~~powers of the arbitrators may be exercised by a majority of~~  
541 ~~their number unless otherwise provided in the agreement or~~  
542 ~~provision for arbitration.~~

543 Section 15. Section 682.051, Florida Statutes, is created  
544 to read:

545 682.051 Immunity of arbitrator; competency to testify;  
546 attorney fees and costs.—

547 (1) An arbitrator or an arbitration organization acting in  
548 that capacity is immune from civil liability to the same extent  
549 as a judge of a court of this state acting in a judicial  
550 capacity.

551 (2) The immunity afforded under this section supplements  
552 any immunity under other law.

553 (3) The failure of an arbitrator to make a disclosure  
554 required by s. 682.041 does not cause any loss of immunity under  
555 this section.

556 (4) In a judicial, administrative, or similar proceeding,  
557 an arbitrator or representative of an arbitration organization  
558 is not competent to testify, and may not be required to produce  
559 records as to any statement, conduct, decision, or ruling  
560 occurring during the arbitration proceeding, to the same extent

561 as a judge of a court of this state acting in a judicial  
 562 capacity. This subsection does not apply:

563 (a) To the extent necessary to determine the claim of an  
 564 arbitrator, arbitration organization, or representative of the  
 565 arbitration organization against a party to the arbitration  
 566 proceeding; or

567 (b) To a hearing on a motion to vacate an award under s.  
 568 682.13(1) (a) or (b) if the movant establishes prima facie that a  
 569 ground for vacating the award exists.

570 (5) If a person commences a civil action against an  
 571 arbitrator, arbitration organization, or representative of an  
 572 arbitration organization arising from the services of the  
 573 arbitrator, organization, or representative or if a person seeks  
 574 to compel an arbitrator or a representative of an arbitration  
 575 organization to testify or produce records in violation of  
 576 subsection (4), and the court decides that the arbitrator,  
 577 arbitration organization, or representative of an arbitration  
 578 organization is immune from civil liability or that the  
 579 arbitrator or representative of the organization is not  
 580 competent to testify, the court shall award to the arbitrator,  
 581 organization, or representative reasonable attorney fees and  
 582 other reasonable expenses of litigation.

583 Section 16. Section 682.06, Florida Statutes, is amended  
 584 to read:

585 682.06 Hearing.—

586 (1) An arbitrator may conduct an arbitration in such  
 587 manner as the arbitrator considers appropriate for a fair and  
 588 expeditious disposition of the proceeding. The arbitrator's

589 authority includes the power to hold conferences with the  
590 parties to the arbitration proceeding before the hearing and,  
591 among other matters, determine the admissibility, relevance,  
592 materiality, and weight of any evidence. Unless otherwise  
593 provided by the agreement or provision for arbitration:

594 ~~(1) (a) The arbitrators shall appoint a time and place for~~  
595 ~~the hearing and cause notification to the parties to be served~~  
596 ~~personally or by registered or certified mail not less than 5~~  
597 ~~days before the hearing. Appearance at the hearing waives a~~  
598 ~~party's right to such notice. The arbitrators may adjourn their~~  
599 ~~hearing from time to time upon their own motion and shall do so~~  
600 ~~upon the request of any party to the arbitration for good cause~~  
601 ~~shown, provided that no adjournment or postponement of their~~  
602 ~~hearing shall extend beyond the date fixed in the agreement or~~  
603 ~~provision for making the award unless the parties consent to a~~  
604 ~~later date. An umpire authorized to hear and decide the cause~~  
605 ~~upon failure of the arbitrators to agree upon an award shall, in~~  
606 ~~the course of his or her jurisdiction, have like powers and be~~  
607 ~~subject to like limitations thereon.~~

608 ~~(b) The arbitrators, or umpire in the course of his or her~~  
609 ~~jurisdiction, may hear and decide the controversy upon the~~  
610 ~~evidence produced notwithstanding the failure or refusal of a~~  
611 ~~party duly notified of the time and place of the hearing to~~  
612 ~~appear. The court on application may direct the arbitrators, or~~  
613 ~~the umpire in the course of his or her jurisdiction, to proceed~~  
614 ~~promptly with the hearing and making of the award.~~

615 (2) An arbitrator may decide a request for summary  
616 disposition of a claim or particular issue:

617        (a) If all interested parties agree; or  
 618        (b) Upon request of one party to the arbitration  
 619 proceeding, if that party gives notice to all other parties to  
 620 the proceeding and the other parties have a reasonable  
 621 opportunity to respond. ~~The parties are entitled to be heard, to~~  
 622 ~~present evidence material to the controversy and to cross-~~  
 623 ~~examine witnesses appearing at the hearing.~~  
 624        (3) If an arbitrator orders a hearing, the arbitrator  
 625 shall set a time and place and give notice of the hearing at  
 626 least 5 days before the hearing begins. Unless a party to the  
 627 arbitration proceeding makes an objection to lack or  
 628 insufficiency of notice not later than the beginning of the  
 629 hearing, the party's appearance at the hearing waives the  
 630 objection. Upon request of a party to the arbitration proceeding  
 631 and for good cause shown, or upon the arbitrator's own  
 632 initiative, the arbitrator may adjourn the hearing from time to  
 633 time as necessary but may not postpone the hearing to a time  
 634 later than that fixed by the agreement to arbitrate for making  
 635 the award unless the parties to the arbitration proceeding  
 636 consent to a later date. The arbitrator may hear and decide the  
 637 controversy upon the evidence produced although a party who was  
 638 duly notified of the arbitration proceeding did not appear. The  
 639 court, on request, may direct the arbitrator to conduct the  
 640 hearing promptly and render a timely decision. ~~The hearing shall~~  
 641 ~~be conducted by all of the arbitrators but a majority may~~  
 642 ~~determine any question and render a final award. An umpire~~  
 643 ~~authorized to hear and decide the cause upon the failure of the~~  
 644 ~~arbitrators to agree upon an award shall sit with the~~

645 ~~arbitrators throughout their hearing but shall not be counted as~~  
 646 ~~a part of their quorum or in the making of their award. If,~~  
 647 ~~during the course of the hearing, an arbitrator for any reason~~  
 648 ~~ceases to act, the remaining arbitrator, arbitrators or umpire~~  
 649 ~~appointed to act as neutrals may continue with the hearing and~~  
 650 ~~determination of the controversy.~~

651 (4) At a hearing under subsection (3), a party to the  
 652 arbitration proceeding has a right to be heard, to present  
 653 evidence material to the controversy, and to cross-examine  
 654 witnesses appearing at the hearing.

655 (5) If an arbitrator ceases or is unable to act during the  
 656 arbitration proceeding, a replacement arbitrator must be  
 657 appointed in accordance with s. 682.04 to continue the  
 658 proceeding and to resolve the controversy.

659 Section 17. Section 682.07, Florida Statutes, is amended  
 660 to read:

661 682.07 Representation by attorney.—A party has the right  
 662 to be represented by an attorney at any arbitration proceeding  
 663 or hearing under this law. ~~A waiver thereof prior to the~~  
 664 ~~proceeding or hearing is ineffective.~~

665 Section 18. Section 682.08, Florida Statutes, is amended  
 666 to read:

667 682.08 Witnesses, subpoenas, depositions.—

668 (1) An arbitrator may issue a subpoena for the attendance  
 669 of a witness and for the production of records and other  
 670 evidence at any hearing and may administer oaths. A subpoena  
 671 must be served in the manner for service of subpoenas in a civil  
 672 action and, upon motion to the court by a party to the

673 arbitration proceeding or the arbitrator, enforced in the manner  
 674 for enforcement of subpoenas in a civil action. Arbitrators, or  
 675 ~~an umpire authorized to hear and decide the cause upon failure~~  
 676 ~~of the arbitrators to agree upon an award, in the course of her~~  
 677 ~~or his jurisdiction, may issue subpoenas for the attendance of~~  
 678 ~~witnesses and for the production of books, records, documents~~  
 679 ~~and other evidence, and shall have the power to administer~~  
 680 ~~oaths. Subpoenas so issued shall be served, and upon application~~  
 681 ~~to the court by a party to the arbitration or the arbitrators,~~  
 682 ~~or the umpire, enforced in the manner provided by law for the~~  
 683 ~~service and enforcement of subpoenas in a civil action.~~

684 (2) In order to make the proceedings fair, expeditious,  
 685 and cost effective, upon request of a party to, or a witness in,  
 686 an arbitration proceeding, an arbitrator may permit a deposition  
 687 of any witness to be taken for use as evidence at the hearing,  
 688 including a witness who cannot be subpoenaed for or is unable to  
 689 attend a hearing. The arbitrator shall determine the conditions  
 690 under which the deposition is taken. ~~On application of a party~~  
 691 ~~to the arbitration and for use as evidence, the arbitrators, or~~  
 692 ~~the umpire in the course of her or his jurisdiction, may permit~~  
 693 ~~a deposition to be taken, in the manner and upon the terms~~  
 694 ~~designated by them or her or him of a witness who cannot be~~  
 695 ~~subpoenaed or is unable to attend the hearing.~~

696 (3) An arbitrator may permit such discovery as the  
 697 arbitrator decides is appropriate in the circumstances, taking  
 698 into account the needs of the parties to the arbitration  
 699 proceeding and other affected persons and the desirability of  
 700 making the proceeding fair, expeditious, and cost effective. ~~All~~

701 ~~provisions of law compelling a person under subpoena to testify~~  
 702 ~~are applicable.~~

703 (4) If an arbitrator permits discovery under subsection  
 704 (3), the arbitrator may order a party to the arbitration  
 705 proceeding to comply with the arbitrator's discovery-related  
 706 orders, issue subpoenas for the attendance of a witness and for  
 707 the production of records and other evidence at a discovery  
 708 proceeding, and take action against a noncomplying party to the  
 709 extent a court could if the controversy were the subject of a  
 710 civil action in this state.

711 (5) An arbitrator may issue a protective order to prevent  
 712 the disclosure of privileged information, confidential  
 713 information, trade secrets, and other information protected from  
 714 disclosure to the extent a court could if the controversy were  
 715 the subject of a civil action in this state.

716 (6) All laws compelling a person under subpoena to testify  
 717 and all fees for attending a judicial proceeding, a deposition,  
 718 or a discovery proceeding as a witness apply to an arbitration  
 719 proceeding as if the controversy were the subject of a civil  
 720 action in this state.

721 (7) The court may enforce a subpoena or discovery-related  
 722 order for the attendance of a witness within this state and for  
 723 the production of records and other evidence issued by an  
 724 arbitrator in connection with an arbitration proceeding in  
 725 another state upon conditions determined by the court so as to  
 726 make the arbitration proceeding fair, expeditious, and cost  
 727 effective. A subpoena or discovery-related order issued by an  
 728 arbitrator in another state must be served in the manner

729 provided by law for service of subpoenas in a civil action in  
 730 this state and, upon motion to the court by a party to the  
 731 arbitration proceeding or the arbitrator, enforced in the manner  
 732 provided by law for enforcement of subpoenas in a civil action  
 733 in this state.

734 (8)-(4) Fees for attendance as a witness shall be the same  
 735 as for a witness in the circuit court.

736 Section 19. Section 682.081, Florida Statutes, is created  
 737 to read:

738 682.081 Judicial enforcement of preaward ruling by  
 739 arbitrator.-

740 (1) Except as provided in subsection (2), if an arbitrator  
 741 makes a preaward ruling in favor of a party to the arbitration  
 742 proceeding, the party may request that the arbitrator  
 743 incorporate the ruling into an award under s. 682.12. A  
 744 prevailing party may make a motion to the court for an expedited  
 745 order to confirm the award under s. 682.12, in which case the  
 746 court shall summarily decide the motion. The court shall issue  
 747 an order to confirm the award unless the court vacates,  
 748 modifies, or corrects the award under s. 682.13 or s. 682.14.

749 (2) A party to a provisional remedy award for injunctive  
 750 or equitable relief may make a motion to the court seeking to  
 751 confirm or vacate the provisional remedy award.

752 (a) The court shall confirm a provisional remedy award for  
 753 injunctive or equitable relief if the award satisfies the legal  
 754 standards for awarding a party injunctive or equitable relief.

755 (b) The court shall vacate a provisional remedy award for  
 756 injunctive or equitable relief which fails to satisfy the legal

757 standards for awarding a party injunctive or equitable relief.

758 Section 20. Section 682.09, Florida Statutes, is amended  
759 to read:

760 682.09 Award.—

761 (1) An arbitrator shall make a record of an award. The  
762 record must be signed or otherwise authenticated by any  
763 arbitrator who concurs with the award. The arbitrator or the  
764 arbitration organization shall give notice of the award,  
765 including a copy of the award, to each party to the arbitration  
766 proceeding. The award shall be in writing and shall be signed by  
767 the arbitrators joining in the award or by the umpire in the  
768 course of his or her jurisdiction. They or he or she shall  
769 deliver a copy to each party to the arbitration either  
770 personally or by registered or certified mail, or as provided in  
771 the agreement or provision.

772 (2) An award must be made within the time specified by the  
773 agreement to arbitrate or, if not specified therein, within the  
774 time ordered by the court. The court may extend, or the parties  
775 to the arbitration proceeding may agree in a record to extend,  
776 the time. The court or the parties may do so within or after the  
777 time specified or ordered. A party waives any objection that an  
778 award was not timely made unless the party gives notice of the  
779 objection to the arbitrator before receiving notice of the  
780 award. An award shall be made within the time fixed therefor by  
781 the agreement or provision for arbitration or, if not so fixed,  
782 within such time as the court may order on application of a  
783 party to the arbitration. The parties may, by written agreement,  
784 extend the time either before or after the expiration thereof.

785 ~~Any objection that an award was not made within the time~~  
 786 ~~required is waived unless the objecting party notifies the~~  
 787 ~~arbitrators or umpire in writing of his or her objection prior~~  
 788 ~~to the delivery of the award to him or her.~~

789 Section 21. Section 682.10, Florida Statutes, is amended  
 790 to read:

791 682.10 Change of award by arbitrators ~~or umpire.~~-

792 (1) On motion to an arbitrator by a party to an  
 793 arbitration proceeding, the arbitrator may modify or correct an  
 794 award:

795 (a) Upon a ground stated in s. 682.14(1) (a) or (c);

796 (b) Because the arbitrator has not made a final and  
 797 definite award upon a claim submitted by the parties to the  
 798 arbitration proceeding; or

799 (c) To clarify the award.

800 (2) A motion under subsection (1) must be made and notice  
 801 given to all parties within 20 days after the movant receives  
 802 notice of the award.

803 (3) A party to the arbitration proceeding must give notice  
 804 of any objection to the motion within 10 days after receipt of  
 805 the notice.

806 (4) If a motion to the court is pending under s. 682.12,  
 807 s. 682.13, or s. 682.14, the court may submit the claim to the  
 808 arbitrator to consider whether to modify or correct the award:

809 (a) Upon a ground stated in s. 682.14(1) (a) or (c);

810 (b) Because the arbitrator has not made a final and  
 811 definite award upon a claim submitted by the parties to the  
 812 arbitration proceeding; or

813           (c) To clarify the award.  
 814           (5) An award modified or corrected pursuant to this  
 815 section is subject to ss. 682.09(1), 682.12, 682.13, and 682.14.  
 816 ~~On application of a party to the arbitration, or if an~~  
 817 ~~application to the court is pending under s. 682.12, s. 682.13~~  
 818 ~~or s. 682.14, on submission to the arbitrators, or to the umpire~~  
 819 ~~in the case of an umpire's award, by the court under such~~  
 820 ~~conditions as the court may order, the arbitrators or umpire may~~  
 821 ~~modify or correct the award upon the grounds stated in s.~~  
 822 ~~682.14(1)(a) and (c) or for the purpose of clarifying the award.~~  
 823 ~~The application shall be made within 20 days after delivery of~~  
 824 ~~the award to the applicant. Written notice thereof shall be~~  
 825 ~~given forthwith to the other party to the arbitration, stating~~  
 826 ~~that he or she must serve his or her objections thereto, if any,~~  
 827 ~~within 10 days from the notice. The award so modified or~~  
 828 ~~corrected is subject to the provisions of ss. 682.12-682.14.~~

829           Section 22. Section 682.11, Florida Statutes, is amended  
 830 to read:

831           682.11 Remedies; fees and expenses of arbitration  
 832 proceeding.—

833           (1) An arbitrator may award punitive damages or other  
 834 exemplary relief if such an award is authorized by law in a  
 835 civil action involving the same claim and the evidence produced  
 836 at the hearing justifies the award under the legal standards  
 837 otherwise applicable to the claim.

838           (2) An arbitrator may award reasonable attorney fees and  
 839 other reasonable expenses of arbitration if such an award is  
 840 authorized by law in a civil action involving the same claim or

841 by the agreement of the parties to the arbitration proceeding.

842 (3) As to all remedies other than those authorized by  
 843 subsections (1) and (2), an arbitrator may order such remedies  
 844 as the arbitrator considers just and appropriate under the  
 845 circumstances of the arbitration proceeding. The fact that such  
 846 a remedy could not or would not be granted by the court is not a  
 847 ground for refusing to confirm an award under s. 682.12 or for  
 848 vacating an award under s. 682.13.

849 (4) An arbitrator's expenses and fees, together with other  
 850 expenses, must be paid as provided in the award.

851 (5) If an arbitrator awards punitive damages or other  
 852 exemplary relief under subsection (1), the arbitrator shall  
 853 specify in the award the basis in fact justifying and the basis  
 854 in law authorizing the award and state separately the amount of  
 855 the punitive damages or other exemplary relief. Unless otherwise  
 856 ~~provided in the agreement or provision for arbitration, the~~  
 857 ~~arbitrators' and umpire's expenses and fees, together with other~~  
 858 ~~expenses, not including counsel fees, incurred in the conduct of~~  
 859 ~~the arbitration, shall be paid as provided in the award.~~

860 Section 23. Section 682.12, Florida Statutes, is amended  
 861 to read:

862 682.12 Confirmation of an award.—After a party to an  
 863 arbitration proceeding receives notice of an award, the party  
 864 may make a motion to the court for an order confirming the award  
 865 at which time the court shall issue a confirming order unless  
 866 the award is modified or corrected pursuant to s. 682.10 or s.  
 867 682.14 or is vacated pursuant to s. 682.13. ~~Upon application of~~  
 868 ~~a party to the arbitration, the court shall confirm an award,~~

869 ~~unless within the time limits hereinafter imposed grounds are~~  
 870 ~~urged for vacating or modifying or correcting the award, in~~  
 871 ~~which case the court shall proceed as provided in ss. 682.13 and~~  
 872 ~~682.14.~~

873 Section 24. Section 682.13, Florida Statutes, is amended  
 874 to read:

875 682.13 Vacating an award.—

876 (1) Upon motion ~~application~~ of a party to an arbitration  
 877 proceeding, the court shall vacate an arbitration award if ~~when~~:

878 (a) The award was procured by corruption, fraud, or other  
 879 undue means;—

880 (b) There was:

881 1. Evident partiality by an arbitrator appointed as a  
 882 neutral arbitrator;

883 2. Corruption by an arbitrator; or

884 3. Misconduct by an arbitrator prejudicing the rights of a  
 885 party to the arbitration proceeding; or corruption in any of the  
 886 arbitrators or umpire or misconduct prejudicing the rights of  
 887 any party.

888 (c) An arbitrator refused to postpone the hearing upon  
 889 showing of sufficient cause for postponement, refused to hear  
 890 evidence material to the controversy, or otherwise conducted the  
 891 hearing contrary to s. 682.06, so as to prejudice substantially  
 892 the rights of a party to the arbitration proceeding; The  
 893 arbitrators or the umpire in the course of her or his  
 894 jurisdiction exceeded their powers.

895 (d) An arbitrator exceeded the arbitrator's powers; The  
 896 arbitrators or the umpire in the course of her or his

897 ~~jurisdiction refused to postpone the hearing upon sufficient~~  
 898 ~~cause being shown therefor or refused to hear evidence material~~  
 899 ~~to the controversy or otherwise so conducted the hearing,~~  
 900 ~~contrary to the provisions of s. 682.06, as to prejudice~~  
 901 ~~substantially the rights of a party.~~

902 (e) There was no agreement to arbitrate, unless the person  
 903 participated in the arbitration proceeding without raising the  
 904 objection under s. 682.06(3) not later than the beginning of the  
 905 arbitration hearing; or ~~There was no agreement or provision for~~  
 906 ~~arbitration subject to this law, unless the matter was~~  
 907 ~~determined in proceedings under s. 682.03 and unless the party~~  
 908 ~~participated in the arbitration hearing without raising the~~  
 909 ~~objection.~~

910 (f) The arbitration was conducted without proper notice of  
 911 the initiation of an arbitration as required in s. 682.032 so as  
 912 to prejudice substantially the rights of a party to the  
 913 arbitration proceeding.

914 ~~But the fact that the relief was such that it could not or would~~  
 915 ~~not be granted by a court of law or equity is not ground for~~  
 916 ~~vacating or refusing to confirm the award.~~

917 (2) A motion under this section must be filed within 90  
 918 days after the movant receives notice of the award pursuant to  
 919 s. 682.09 or within 90 days after the movant receives notice of  
 920 a modified or corrected award pursuant to s. 682.10, unless the  
 921 movant alleges that the award was procured by corruption, fraud,  
 922 or other undue means, in which case the motion must be made  
 923 within 90 days after the ground is known or by the exercise of  
 924 reasonable care would have been known by the movant. An

925 ~~application under this section shall be made within 90 days~~  
926 ~~after delivery of a copy of the award to the applicant, except~~  
927 ~~that, if predicated upon corruption, fraud or other undue means,~~  
928 ~~it shall be made within 90 days after such grounds are known or~~  
929 ~~should have been known.~~

930       (3) If the court vacates an award on a ground other than  
931 that set forth in paragraph (1)(e), it may order a rehearing. If  
932 the award is vacated on a ground stated in paragraph (1)(a) or  
933 paragraph (1)(b), the rehearing must be before a new arbitrator.  
934 If the award is vacated on a ground stated in paragraph (1)(c),  
935 paragraph (1)(d), or paragraph (1)(f), the rehearing may be  
936 before the arbitrator who made the award or the arbitrator's  
937 successor. The arbitrator must render the decision in the  
938 rehearing within the same time as that provided in s. 682.09(2)  
939 for an award. In vacating the award on grounds other than those  
940 stated in paragraph (1)(e), the court may order a rehearing  
941 before new arbitrators chosen as provided in the agreement or  
942 provision for arbitration or by the court in accordance with s.  
943 682.04, or, if the award is vacated on grounds set forth in  
944 paragraphs (1)(c) and (d), the court may order a rehearing  
945 before the arbitrators or umpire who made the award or their  
946 successors appointed in accordance with s. 682.04. The time  
947 within which the agreement or provision for arbitration requires  
948 the award to be made is applicable to the rehearing and  
949 commences from the date of the order therefor.

950       (4) If a motion ~~the application~~ to vacate is denied and no  
951 motion to modify or correct the award is pending, the court  
952 shall confirm the award.

953 Section 25. Section 682.14, Florida Statutes, is amended  
 954 to read:

955 682.14 Modification or correction of award.—

956 (1) Upon motion made within 90 days after the movant  
 957 receives notice of the award pursuant to s. 682.09 or within 90  
 958 days after the movant receives notice of a modified or corrected  
 959 award pursuant to s. 682.10, the court shall modify or correct  
 960 the award if ~~Upon application made within 90 days after delivery~~  
 961 ~~of a copy of the award to the applicant, the court shall modify~~  
 962 ~~or correct the award when:~~

963 (a) There is an evident miscalculation of figures or an  
 964 evident mistake in the description of any person, thing, or  
 965 property referred to in the award.

966 (b) The arbitrators ~~or umpire~~ have awarded upon a matter  
 967 not submitted in the arbitration ~~to them or him or her~~ and the  
 968 award may be corrected without affecting the merits of the  
 969 decision upon the issues submitted.

970 (c) The award is imperfect as a matter of form, not  
 971 affecting the merits of the controversy.

972 (2) If the motion ~~application~~ is granted, the court shall  
 973 modify and correct the award ~~so as to effect its intent~~ and  
 974 ~~shall~~ confirm the award as so modified and corrected. Otherwise,  
 975 unless a motion to vacate the award under s. 682.13 is pending,  
 976 the court shall confirm the award as made.

977 (3) A motion ~~An application~~ to modify or correct an award  
 978 may be joined in the alternative with an application to vacate  
 979 the award under s. 682.13.

980 Section 26. Section 682.15, Florida Statutes, is amended

981 to read:

982 682.15 Judgment or decree on award.—

983 (1) Upon granting an order confirming, vacating without  
 984 directing a rehearing, modifying, or correcting an award, the  
 985 court shall enter a judgment in conformity therewith. The  
 986 judgment may be recorded, docketed, and enforced as any other  
 987 judgment in a civil action.

988 (2) A court may allow reasonable costs of the motion and  
 989 subsequent judicial proceedings.

990 (3) On motion of a prevailing party to a contested  
 991 judicial proceeding under s. 682.12, s. 682.13, or s. 682.14,  
 992 the court may add reasonable attorney fees and other reasonable  
 993 expenses of litigation incurred in a judicial proceeding after  
 994 the award is made to a judgment confirming, vacating without  
 995 directing a rehearing, modifying, or correcting an award. ~~Upon~~  
 996 ~~the granting of an order confirming, modifying or correcting an~~  
 997 ~~award, judgment or decree shall be entered in conformity~~  
 998 ~~therewith and be enforced as any other judgment or decree. Costs~~  
 999 ~~of the application and of the proceedings subsequent thereto,~~  
 1000 ~~and disbursements may be awarded by the court.~~

1001 Section 27. Section 682.16, Florida Statutes, is repealed.

1002 Section 28. Section 682.17, Florida Statutes, is repealed.

1003 Section 29. Section 682.18, Florida Statutes, is repealed.

1004 Section 30. Section 682.181, Florida Statutes, is created

1005 to read:

1006 682.181 Jurisdiction.—

1007 (1) A court of this state having jurisdiction over the  
 1008 controversy and the parties may enforce an agreement to

1009 arbitrate.

1010 (2) An agreement to arbitrate providing for arbitration in  
 1011 this state confers exclusive jurisdiction on the court to enter  
 1012 judgment on an award under this chapter.

1013 Section 31. Section 682.19, Florida Statutes, is amended  
 1014 to read:

1015 682.19 Venue.—A petition pursuant to s. 682.015 must be  
 1016 filed in the court of the county in which the agreement to  
 1017 arbitrate specifies the arbitration hearing is to be held or, if  
 1018 the hearing has been held, in the court of the county in which  
 1019 it was held. Otherwise, the petition may be made in the court of  
 1020 any county in which an adverse party resides or has a place of  
 1021 business or, if no adverse party has a residence or place of  
 1022 business in this state, in the court of any county in this  
 1023 state. All subsequent petitions must be made in the court  
 1024 hearing the initial petition unless the court otherwise directs.

1025 ~~Any application under this law may be made to the court of the~~  
 1026 ~~county in which the other party to the agreement or provision~~  
 1027 ~~for arbitration resides or has a place of business, or, if she~~  
 1028 ~~or he has no residence or place of business in this state, then~~  
 1029 ~~to the court of any county. All applications under this law~~  
 1030 ~~subsequent to an initial application shall be made to the court~~  
 1031 ~~hearing the initial application unless it shall order otherwise.~~

1032 Section 32. Section 682.20, Florida Statutes, is amended  
 1033 to read:

1034 682.20 Appeals.—

1035 (1) An appeal may be taken from:

1036 (a) An order denying a motion ~~an application~~ to compel

1037 arbitration made under s. 682.03.

1038 (b) An order granting a motion ~~an application~~ to stay

1039 arbitration pursuant to ~~made under~~ s. 682.03(2)-(4).

1040 (c) An order confirming ~~or denying confirmation of~~ an

1041 award.

1042 (d) An order denying confirmation of an award unless the

1043 court has entered an order under s. 682.10(4) or s. 682.13. All

1044 other orders denying confirmation of an award are final orders.

1045 ~~(e)-(d)~~ An order modifying or correcting an award.

1046 ~~(f)-(e)~~ An order vacating an award without directing a

1047 rehearing.

1048 ~~(g)-(f)~~ A judgment or decree entered pursuant to this

1049 chapter ~~the provisions of this law~~.

1050 (2) The appeal shall be taken in the manner and to the

1051 same extent as from orders or judgments in a civil action.

1052 Section 33. Section 682.21, Florida Statutes, is repealed.

1053 Section 34. Section 682.22, Florida Statutes, is repealed.

1054 Section 35. Section 682.23, Florida Statutes, is created

1055 to read:

1056 682.23 Relationship to Electronic Signatures in Global and

1057 National Commerce Act.—The provisions of this chapter governing

1058 the legal effect, validity, and enforceability of electronic

1059 records or electronic signatures and of contracts performed with

1060 the use of such records or signatures conform to the

1061 requirements of s. 102 of the Electronic Signatures in Global

1062 and National Commerce Act, 15 U.S.C. s. 7002.

1063 Section 36. Section 682.25, Florida Statutes, is created

1064 to read:

1065           682.25 Disputes excluded.—This chapter does not apply to  
 1066 any dispute involving child custody, visitation, or child  
 1067 support.

1068           Section 37. Section 440.1926, Florida Statutes, is amended  
 1069 to read:

1070           440.1926 Alternate dispute resolution; claim arbitration.—  
 1071 Notwithstanding any other provision of this chapter, the  
 1072 employer, carrier, and employee may mutually agree to seek  
 1073 consent from a judge of compensation claims to enter into  
 1074 binding claim arbitration in lieu of any other remedy provided  
 1075 for in this chapter to resolve all issues in dispute regarding  
 1076 an injury. Arbitrations agreed to pursuant to this section shall  
 1077 be governed by chapter 682, the Revised Florida Arbitration  
 1078 Code, except that, notwithstanding any provision in chapter 682,  
 1079 the term "court" shall mean a judge of compensation claims. An  
 1080 arbitration award in accordance with this section is ~~shall be~~  
 1081 enforceable in the same manner and with the same powers as any  
 1082 final compensation order.

1083           Section 38. Paragraph (a) of subsection (1) of section  
 1084 489.1402, Florida Statutes, is amended to read:

1085           489.1402 Homeowners' Construction Recovery Fund;  
 1086 definitions.—

1087           (1) The following definitions apply to ss. 489.140-  
 1088 489.144:

1089           (a) "Arbitration" means alternative dispute resolution  
 1090 entered into between a claimant and a contractor either pursuant  
 1091 to a construction contract that contains a mandatory arbitration  
 1092 clause or through any binding arbitration under chapter 682, the

1093 Revised Florida Arbitration Code.

1094 Section 39. Subsection (2) of section 731.401, Florida  
 1095 Statutes, is amended to read:

1096 731.401 Arbitration of disputes.—

1097 (2) Unless otherwise specified in the will or trust, a  
 1098 will or trust provision requiring arbitration shall be presumed  
 1099 to require binding arbitration under chapter 682, the Revised  
 1100 Florida Arbitration Code s. ~~44.104~~. If an arbitration  
 1101 enforceable under this section is governed by chapter 682, the  
 1102 arbitration provisions in the will or trust shall be treated as  
 1103 an agreement for the purpose of applying the provisions of  
 1104 chapter 682.

1105 Section 40. This act shall take effect July 1, 2013.